

# California Public Utilities Commission

Safety and Enforcement Division  
Rail Transit Safety Branch



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## INSPECTION/CITATION

**Issued under the provisions of Resolution ST-163**

**To:** Edward D. Reiskin  
Director of Transportation  
San Francisco Municipal Transportation Agency

**Date:** December 11, 2018

**Citation #:** RTSB 1807001

**Inspection Reports:**

# OP103017  
# SC021318  
# ME042418  
# ME051518  
# OP062018  
# OP062818  
# SC071818

### **VIOLATIONS**

On December 22, 2014, the California Public Utilities Commission (Commission) issued Resolution ST-163 (effective January 1, 2015), which approved a citation program authorizing the Director or Deputy Director of the Safety and Enforcement Division (SED) of the Commission to issue citations to rail fixed guideway system carriers for a violation of specified Public Utilities Code sections and Commission General Orders (GOs). A fixed guideway system that has been issued such a citation may accept the fine imposed or contest it through a process of appeal. This Resolution can be accessed at the following URL:

<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M143/K824/143824056.DOCX>

Pursuant to Resolution ST-163, SED hereby cites the San Francisco Municipal Transportation Agency (SFMTA) with having violated the following provisions of General Order 172: Section 3.1(a), Section 3.1(c), and Section 5.2(a), and SFMTA Rule 2.15.3 and Rule 2.15.4 as enforced by the Commission:

Rail Rulebook for SFMTA:

2.15.3 Employees, while working in a safety sensitive capacity, shall not use Personal Electronic Devices within six (6) feet of the outside rail within the SFMTA right-of-way.

2.15.4 SFMTA employees while operating in a rail vehicle shall turn off all Personal Electronic Devices and secure them in a location out of sight and off person (not stored in a pocket or clipped/attached in any way) and away from the employee.

## **BACKGROUND**

Over the past four years, SED Inspectors have observed the following Personal Electronic Device (PED) violations:

- 2015 (12 months)—4 PED Violations
- 2016 (12 months)—1 PED Violation
- 2017 (12 months)—2 PED Violations
- 2018 (6 months)—16 PED Violations

When follow up inspections were made on June 21, 2018, SED Inspectors asked SFMTA Operations Superintendent Transit how many PED violations were observed by SFMTA since January of 2018, the SFMTA Superintendent replied that no violations were discovered since the beginning of 2018. Contrary to this statement, SED has made numerous observations of cell phone use by SFMTA employees since January 2018. SFMTA has provided replies for three of the inspection reports, however, although retraining may be an appropriate response to an individual violation, it is not an effective response for a systemic problem, considering the numerous examples where CPUC Inspectors have identified non-compliance PED use.

## **STATEMENT OF FACTS**

Safety and Enforcement Division Staff carried out safety inspections of SFMTA facilities and employees from late October 2017 through July 18, 2018. Those inspections resulted in seven Inspection reports being issued for the above-listed violations of the Commission's GO 172.

### **1. *INSPECTION OF OCTOBER 30, 2017 (Inspection OP103017):***

SED conducted an inspection on SFMTA Light Rail Vehicle (LRV) #1400B and interviewed Train Operator (T/O) #0833 at 12:04 PM. A SED Inspector asked the employee if his Personal Electronic Device (PED) (in this instance a cell phone) was stowed and turned off. The T/O pulled a cell phone from his pants pocket and the power was on.

**(VIOLATION #1)** The T/O violated GO 172 Section 3.1(a)<sup>1</sup> and SFMTA Rule 2.15.4.

2. *INSPECTION OF FEBRUARY 13, 2018 (Inspection SC021318):*

SED Inspectors observed an SFMTA T/O (#2678) board LRV #1071 after using his cell phone and then storing the phone in his pocket. As the LRV got underway, a SED Inspector asked to see the T/O's cell phone. The T/O removed the phone from his pocket and showed it to the Inspector. The phone was powered off. The T/O said he knew the phone should be stowed off his person when operating the LRV.

**(VIOLATION #2)** The T/O violated GO 172 Section 3.1(a) and SFMTA Rule 2.15.4.

3. *INSPECTION OF APRIL 24, 2018 (Inspection ME042418):*

A SED Inspector observed a security guard (Black Bear Security Services, Inc.) talking on his cell phone while working on behalf of SFMTA. The security guard was observed crossing tracks outside of the SFMTA's rail maintenance facility at the North end of the Yard. The SED Inspector confronted the guard and informed him that he was in direct violation of GO 172. The SFMTA guard stated that he was aware of the GO 172 prohibition and had received prior training regarding the prohibition against PEDs. The security guard was finishing his shift and was being relieved by another guard at the time of the violation.

**(VIOLATION #3)** The security guard violated GO 172 Section 3.1(c)<sup>2</sup> and SFMTA Rule 2.15.3.

4. *INSPECTION OF MAY 15, 2018 (Inspection ME051518):*

While an SED Inspector was walking near the South 8 track outside of the SFMTA MME Maintenance facility during his inspection with SFMTA personnel, the Inspector observed a T/O talking on a cell phone while crossing tracks outside of the maintenance facility at the South end of the Yard. The SED Inspector informed the T/O of the violation of GO 172 as well as SFMTA's Senior Operations Manager.

**(VIOLATION #4)** This is a violation of GO 172 Section 3.1(c) and SFMTA Rule 2.15.3.

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<sup>1</sup> GO 172 Section 3.1(a): "Persons shall be strictly prohibited from using electronic devices, while: Operating rail transit and other on-track vehicles. Devices must be turned off and stowed."

<sup>2</sup> GO 172 Section 3.1(c): "Persons shall be strictly prohibited from using electronic devices, while: Performing any task while fouling the tracks."

5. *INSPECTION OF JUNE 20, 2018 (Inspection OP062018):*

- a) A SED Inspector observed various cable car operations at the SFMTA turntable at the Hyde and Beach Street on the F Line. At 10:10 that morning, the SED Inspector witnessed SFMTA Conductor #0976 pull out his cell phone.

**(VIOLATION #5)** This is a violation for noncompliance with GO 172 Section 3.1(a) and SFMTA Rule 2.15.4.

- b) The SED Inspector also observed this employee, #0976, was wearing a Bluetooth ear piece when the Inspector approached him to discuss SFMTA's PED rules prohibiting the use of cell phones.

**(VIOLATION #6)** This is a violation for noncompliance with GO 172 Section 3.1(a) and SFMTA Rule 2.15.4 (see also GO 172, Section 2.4.<sup>3</sup>)

- c) A SED Inspector also observed Operator #2408 at Beach and Jones Street at 12:56 PM use his cell phone as he stepped away from Presidential Conference Car (PCC) #1056. When that T/O, #2408, returned to the cab of PCC #1056 and assisted boarding passengers, the SED Inspector saw him place the PED in his pocket. A few moments later the SED Inspector showed the T/O his identification, announced who he was, and asked to see the T/O's cell phone. The T/O stated that he did not have one. When confronted with the Inspector's statement that he had seen the cell phone, the T/O said it was in his bag.

**(VIOLATION #7)** This is a violation of GO 172 Section 3.1(a) and SFMTA Rule 2.15.4.

When asked to produce the phone from his bag, the T/O refused to do so even when told his supervisor would be notified. The Inspector notified SFMTA's System Safety of the T/O's refusal to produce the PED.

**(VIOLATION #8)** This is a violation for noncompliance with GO 172, Sections 5.1 and 5.2(a).

6. *INSPECTION OF JUNE 28, 2018 (Inspection OP062818):*

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<sup>3</sup> GO 172 Section 2.4 includes "Bluetooth devices" as PEDs.

- a) While SED Inspectors observed cable car operations at SFMTA's Hyde and Beach Street turntable, they witnessed SFMTA employee #3327 hop over the safety rope and push the Cable Car on the turntable to the outbound position as part of his work duties. The employee (#3327) was observed at 9 AM wearing ear buds in both ears, not wearing prescribed PPE (personal protective equipment) and not in SFMTA uniform. When asked why he had ear buds in both ears, was not wearing PPE, and was not in uniform, the employee said, "he was not on duty." However, the employee was performing his job function of pushing cable cars.

**(VIOLATION #9)** This is a violation of GO 172 Section 3.1(c) and SFMTA Rule 2.15.3

- b) A SED Inspector observed SFMTA employee #1908 use his cell phone while sitting on a bench of the Cable Car he was operating.

**(VIOLATION #10)** This is a violation of GO 172 Section 3.1(a) and SFMTA Rule 2.15.4.

- c) When the Inspector advised the employee (#1908) of GO 172 and SFMTA's prohibition against PED use, the employee put the phone back in his backpack while powered on. When further advised that the phone must be stowed in the powered off position, the employee complied by stowing and powering off his cell phone.

**(VIOLATION #11)** This is a violation for noncompliance with GO 172 Section 3.1(a), and SFMTA Rule 2.15.4.

- d) SED Inspectors conducted an inspection of PCC #1056 at Beach and Jones Streets. While speaking with T/O #1630 of PCC #1056, the Inspectors discovered his cell phone was stowed while powered on. The employee was directed to power off the cell phone before stowing it.

**(VIOLATION #12)** This is a violation of GO 172 Section 3.1(a) and SFMTA Rule 2.15.4.

**7. INSPECTION OF JULY 18, 2018 (Inspection SC071818):**

- a) A SED Inspector noted operator 3268 removed a back pack from a secured locker in car 1008 and secured the LRV when exiting for a break at turn around location on Jones Street. Before entering the LRV the operator stowed the phone back in the back pack without turning off the phone. The operator entered the cab and stowed the

back pack within reach, under the operating seat and proceeded to pull forward and begin the boarding process.

**(VIOLATION #13)** This is a violation of GO 172 Section 3.1 (a), and SFMTA Rule 2.15.4.

- b) A SED Inspector then confronted operator #4356 in car 1050 after noting he was on his phone before entering the LRV and he had placed the powered-on phone in a bag under the operator seat. When staff confronted the operator about the phone being on and asked to see it, CPUC was informed again that he was instructed by a supervisor to not show his phone. CPUC asked him to turn it off and stow it in the locker and he refused and proceeded to operate the LRV with the bag under the operator seat and a powered-on phone in it.

**(VIOLATION #14)** This is a violation of GO 172 Section 3.1 (a), and SFMTA Rule 2.15.4

- c) In both cases 7 (a) and 7 (b) above, the employee indicated to the SED Inspector that un-named SFMTA supervisors had, contrary to GO 172, Section 5.3, instructed the employees not to produce their cell phones when confronted by CPUC inspectors in the field.

**(VIOLATIONS #15 & #16)** Both employees' refusal to produce their cell phones constitute two violations: a personal violation of GO 172, Section 5.1 and a systemwide violation of 5.3 by SFMTA.

The Inspection/Citation from SED dated December 11, 2018 (CITATION # RTSB 1807001), documents the SED's findings of safety violations by SFMTA. This Inspection/Citation with Attachments was served on December 11, 2018.

**LIST OF VIOLATIONS AND PENALTIES**

| <b>VIOLATON</b> | <b>INSPECTION DATE</b>      | <b>GENERAL ORDER</b>   | <b>PENALTY</b>           |
|-----------------|-----------------------------|------------------------|--------------------------|
| #1              | Inspection of Oct. 30, 2017 | GO 172 § 3.1(a)        | \$ 7,500                 |
| #2              | Inspection of Feb. 13, 2018 | GO 172 § 3.1(a)        | \$ 7,500                 |
| #3              | Inspection of Apr. 24, 2018 | GO 172 § 3.1(c)        | \$ 7,500                 |
| #4              | Inspection of May 15, 2018  | GO 172 § 3.1(c)        | \$ 7,500                 |
| #5              | Inspection of June 20, 2018 | GO 172 § 3.1(a)        | \$ 7,500                 |
| #6              | Inspection of June 20, 2018 | GO 172 § 3.1(a)        | \$ 7,500                 |
| #7              | Inspection of June 20, 2018 | GO 172 § 3.1(a)        | \$ 7,500                 |
| #8              | Inspection of June 20, 2018 | GO 172 §§ 5.1 & 5.2(a) | \$ 7,500                 |
| #9              | Inspection of June 28, 2018 | GO 172 § 3.1(c)        | \$ 7,500                 |
| #10             | Inspection of June 28, 2018 | GO 172 § 3.1(a)        | \$ 7,500                 |
| #11             | Inspection of June 28, 2018 | GO 172 § 3.1(a)        | \$ 7,500                 |
| #12             | Inspection of July 18, 2018 | GO 172 § 3.1(a)        | \$ 7,500                 |
| #13             | Inspection of July 18, 2018 | GO 172 § 3.1(a)        | \$ 7,500                 |
| #14             | Inspection of July 18, 2018 | GO 172 § 3.1(a)        | \$ 7,500                 |
| #15             | Inspection of July 18, 2018 | GO 172 § 5.1 & 5.2(a)  | \$ 7,500                 |
| #16             | Inspection of July 18, 2018 | GO 172 § 5.1 & 5.2(a)  | <u>\$ 7,500</u>          |
|                 | <b>TOTAL PENALTIES</b>      |                        | <b><u>\$ 120,000</u></b> |

## **RESPONDENT OPTIONS**

The penalty set in Appendix A of Resolution ST-163 (Specified Violations and Scheduled Penalties) for violations of General Order 172 is \$7,500 per incident and for violations of General Order 143-B the penalty is \$5,000 per incident.

The respondent, within 30 days after the date of service of the citation, shall either remit payment of the full amount of the fine to the Fiscal Office of the Commission, agree with SED on conditions for payment, or serve a Notice of Appeal upon SED. By way of such answer you may either:

1. *Pay a fine of \$ 120,000 (16 incidents @ \$7,500 per incident).*<sup>4</sup> Submit a cashier check or money order payable to:

**California Public Utilities Commission  
Attn: Fiscal Office  
505 Van Ness Avenue  
San Francisco, CA 94102-3298**

using the attached *Citation Compliance Agreement* (Attachment 1). Upon payment, the fine will be deposited in the State Treasury to the credit of the General Fund. If the respondent pays the full amount of the fine to the Commission Fiscal Office within the time allowed hereunder (i.e., within 30 days after date of service of this citation), the citation shall become final.

**or**

2. *Agree with SED on conditions for payment. Contact:*

**Director or Deputy Director  
Safety and Enforcement Division  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102-3298**

**or**

3. *Contest this citation by filing an appeal. Commission Resolution ALJ-299, issued on June 26, 2014 and effective January 1, 2015, established citation appeals procedures. Resolution ALJ-299 and its two appendices, which include an explanation of the respondent's right to have a hearing,*

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<sup>4</sup> Resolution ST-163 (Dec. 18, 2014) Appendix A, "Specified Violations and Scheduled Penalties," at p. A-2 (2014 Cal. PUC LEXIS 601 at p. 13).



*to have a representative at the hearing, to request a transcript, and to request an interpreter, can be accessed at the following URL:*  
<http://docs.cpuc.ca.gov/SearchRes.aspx?docformat=ALL&DocID=97624430>

Specific instructions for filing Notices of Appeal, including forms that can be modified for Notices of Appeal and for Certificates of Service, are attached (Attachment 2).

If the respondent, within the time allowed as specified above, fails to pay the full amount of the fine or to file a Notice of Appeal, or if the respondent, having entered into an agreement with SED, fails to comply with any provision of that agreement, the respondent shall be in default, and the citation shall become final. In this event, the respondent shall have forfeited its right to appeal the citation. SED may take all necessary action provided by law to recover any unpaid fine and ensure compliance with applicable statutes and Commission orders.

  
Roger Clugston  
Deputy Director  
Safety and Enforcement Division  
California Public Utilities Commission

Attachments to Rail Transit Safety Branch Inspection/Citation # RTSB 1807001:

1. Citation Compliance Agreement
2. California Public Utilities Commission Instructions for Filing a Notice of Appeal and Certificate of Service for a Citation Appeal
3. Resolution ALJ-299 and the Pilot Program Citation Appeal and General Order 156 Appellate Rules
4. Resolution ST-163
5. General Order 172
6. San Francisco Transportation Agency, Rules 2.15.3 and 2.15.4
7. Certificate of Service for Inspection/Citation # RTSB 1807001 and Attachments (via email)

cc: Elizaveta I. Malashenko, Director, SED

bcc: Amy C. Yip-Kikugawa, Daren Gilbert, Michael Borer, Jason Dixon, Richard Fernandez, Adam Freeman, John Madriaga, David "Shane" Roberson

# **INSPECTION REPORTS**

## **# OP103017**

California Public Utilities Commission  
Rail Transit Safety Branch  
Inspection/Citation Form

Type Of Inspection Operating

☒ Unannounced ☐ Scheduled

RTA San Francisco Municipal Transportation Agency

RTA Contact Melvyn E Henry (SFMTA)

Date Field 2017-10-30

Address One South Van Ness Avenue (MUNI)

City San Francisco State CA Zip Code 94103 (SFMTA)

Time Field 08:00:00

Contacts E-mail Address Melvyn.Henry@sfmta.com

Personnel Present

| Name         | Title                     | E-mail                   |
|--------------|---------------------------|--------------------------|
| Michael Rose | CPUC Operations Inspector | Michael.Rose@cpuc.ca.gov |
|              |                           |                          |
|              |                           |                          |
|              |                           |                          |
|              |                           |                          |

CPUC Representative Jimmy Xia

Submitted By Michael Rose (Operating Inspector)

Inspection Location

| Mile Post | CPUC or DOT Crossing # | Signal # | Switch # |
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Station or Facility Name SFMTA Multiple Lines of Operation

Comments/Risk Management

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# **INSPECTION REPORTS**

## **# SC021318**

# California Public Utilities Commission

## Rail Transit Safety Branch

### Inspection/Citation Form

Type Of Inspection SignalJoint Inspection                     ☒ Unannounced ☐ ScheduledRTA San Francisco Municipal Transportation AgencyRTA Contact Melvyn E Henry (SFMTA)Date Field 2018-02-13Address One South Van Ness Avenue (MUNI)City San FranciscoState CAZip Code 94103 (SFMTA)Time Field 10:00:00Contacts E-mail Address Melvyn.Henry@sfmta.comPersonnel Present

| Name           | Title            | E-mail                     |
|----------------|------------------|----------------------------|
| Shane Roberson | Signal Inspector | david.roberson@cpuc.ca.gov |
|                |                  |                            |
|                |                  |                            |
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CPUC Representative Jimmy XiaSubmitted By Shane Roberson (Signal Inspector)Inspection Location

| Mile Post | CPUC or DOT Crossing # | Signal # | Switch # |
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Station or Facility Name "F" Line



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# **INSPECTION REPORTS**

## **# ME042418**



# California Public Utilities Commission

## Rail Transit Safety Branch

### Inspection/Citation Form

Type Of Inspection MechanicalJoint Inspection N/A☒ Unannounced ☐ ScheduledRTA San Francisco Municipal Transportation AgencyRTA Contact Melvyn E Henry (SFMTA)Date Field 2018-04-24Address One South Van Ness Avenue (MUNI)City San Francisco State CA Zip Code 94103 (SFMTA)Time Field 11:00:00Contacts E-mail Address Melvyn.Henry@sfmta.comPersonnel Present

| Name          | Title                       | E-mail                   |
|---------------|-----------------------------|--------------------------|
| George Bernal | Rail Maintenance Supervisor | George.Bernal@sfmta.com  |
| Adam Freeman  | CPUC Mechanical Inspector   | Adam.Freeman@cpuc.ca.gov |
|               |                             |                          |
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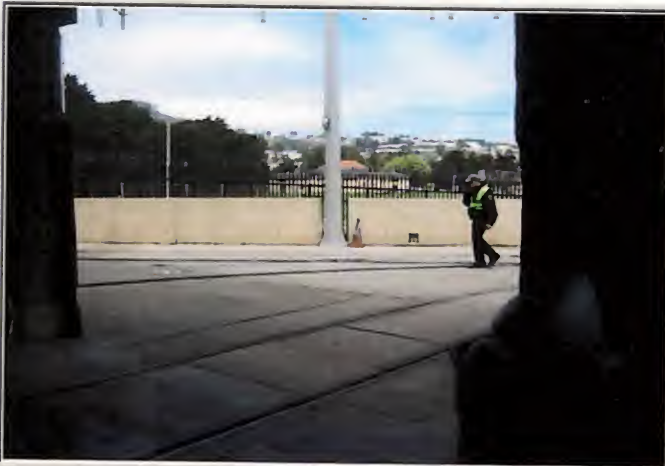
CPUC Representative Jimmy XiaSubmitted By Adam Freeman (Mechanical Inspector)Inspection Location

| Mile Post | CPUC or DOT Crossing # | Signal # | Switch # |
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Station or Facility Name Green Yard, 425 Geneva Ave. San Francisco CA. 94112

Comments/Risk Management

CPUC Staff observed a security guard (Black Bear Security Services, Inc.) talking on his phone while working on behalf of SFMTA, he was observed crossing tracks outside of the rail maintenance facility North end of yard. CPUC Staff immediately confronted him and informed him that he was in direct violation of GO-172, he did state that he was aware of the GO-172 requirement and had received prior training regarding the requirements of GO-172. The security guard was finishing his shift and being relieved by another security guard, CPUC Staff notified his supervisor of the violation.



Item #1 Security guard talking on phone while fouling tracks



Item #2 1448, A-end grab handle had a loose fastener



Item #3 1448-C-truck bump stop bracket missing a bolt



Item #4 New PED Decals installed using rivets

**INSPECTION REPORTS**  
**# ME051518**



California Public Utilities Commission  
Rail Transit Safety Branch  
Inspection/Citation Form

Type Of Inspection Mechanical

Joint Inspection N/A

☒ Unannounced ☐ Scheduled

RTA San Francisco Municipal Transportation Agency

RTA Contact Melvyn E Henry (SFMTA)

Date Field 2018-05-15

Address One South Van Ness Avenue (MUNI)

City San Francisco

State CA

Zip Code 94103 (SFMTA)

Time Field 09:30:00

Contacts E-mail Address Melvyn.Henry@sfmta.com

Personnel Present

| Name              | Title                     | E-mail                      |
|-------------------|---------------------------|-----------------------------|
| Emmanuel Enriquez | LRV4 Supervisor           | Emmanuel.Enriquez@sfmta.com |
| Douglas Lee       | Supervisor 1              | Douglas.lee@sfmat.com       |
| Adam Freeman      | CPUC Mechanical Inspector | Adam.Freeman@cpuc.ca.gov    |
|                   |                           |                             |
|                   |                           |                             |

CPUC Representative Jimmy Xia

Submitted By Adam Freeman (Mechanical Inspector)

Inspection Location

| Mile Post | CPUC or DOT Crossing # | Signal # | Switch # |
|-----------|------------------------|----------|----------|
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Station or Facility Name MME-601 25th St. San Francisco, CA 94107

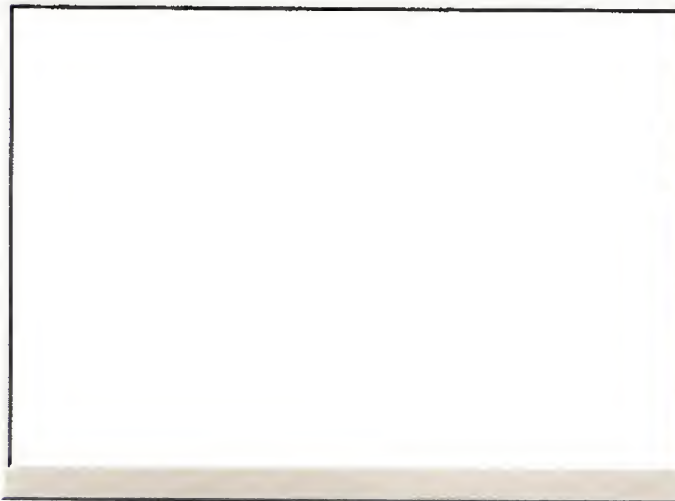
Comments/Risk Management

CPUC Staff was walking near the South 8 track outside of the MME Maintenance facility with SFMTA personnel and observed a train Operator in violation GO-172, Section 3, the train Operator was talking on a cell phone crossing tracks outside of the rail maintenance facility at the South end of the yard. CPUC Staff informed the train Operator of the violation of GO-172 and the Senior Operations Manager was also notified.

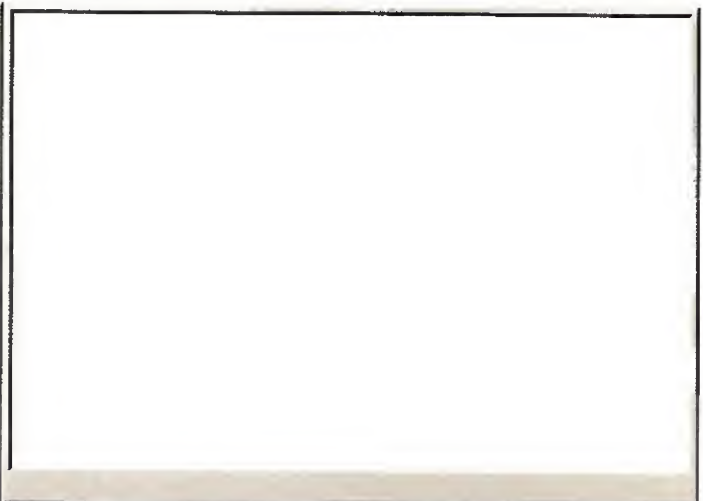


Item #1 Audio/Video 8 day recording loop review LRV #2017

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# **INSPECTION REPORTS**

## **# OP062018**

# California Public Utilities Commission

## Rail Transit Safety Branch

### Inspection/Citation Form

Type Of Inspection Operating☒ Unannounced ☐ ScheduledRTA San Francisco Municipal Transportation AgencyRTA Contact Melvyn E Henry (SFMTA)Date Field 2018-06-20Address One South Van Ness Avenue (MUNI)City San FranciscoState CAZip Code 94103 (SFMTA)Time Field 10:00:00Contacts E-mail Address Melvyn.Henry@sfmta.comPersonnel Present

| Name         | Title                     | E-mail                   |
|--------------|---------------------------|--------------------------|
| Michael Rose | CPUC Operations Inspector | Michael.Rose@cpuc.ca.gov |
|              |                           |                          |
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CPUC Representative Jimmy XiaSubmitted By Michael Rose (Operating Inspector)Inspection Location

| Mile Post | CPUC or DOT Crossing # | Signal # | Switch # |
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Station or Facility Name SFMTA Cable Car Hyde and Powell Line. PCC Beach and Jones and MME



## Comments/Risk Management

Finding #2. CPUC Staff conducted PCC inspection at Beach and Jones street. CPUC Staff observed Operator 2408 at 12:56 use his cell phone as he stepped away from PCC 1056. When Operator 2408 returned to the cab of PCC 1056 and helped boarding riders I showed my ID and announced who I was and asked to see the cell phone. Operator 2408 said he did not have one, I told him I witnessed him with the cell phone that is when he changed his story and said it was in his bag. When I asked him to produce it from his bag he responded, "I do not have to show you my property". I told him I would notify a supervisor and stepped off the PCC. then I called and reported this to System Safety.

As a follow up inspection to Findings 1 and 2, CPUC Staff spoke with SFMTA Operations Superintendent Transit on 6/21/18. 08:00 at MME. CPUC Staff inquired how many PED findings Operation Inspectors have found since January 2018 and the answer was 'none'. CPUC Staff have numerous PED findings on SFMTA Employees while SFMTA have none. There has been no CAP from SFMTA on previous PED findings and SFMTA employees do not understand the Zero Tolerance for PED. For these reasons a citation is recommended. Previous SFMTA PED violations are attached to this report for supporting documentation.

CPUC Staff conducted ride along inspections of Cable-Car Line Powell and Hyde. During the inspection CPUC Staff noted Grip Operator 1452 and Conductor 0976 safe operations of Cable-Car 9. Both Operator and Conductor performed a safety stop to readjust riders standing the outside step to ensure passenger safety. Great job.



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# **INSPECTION REPORTS**

## **# OP062818**

# California Public Utilities Commission

## Rail Transit Safety Branch

### Inspection/Citation Form

Type Of Inspection OperatingJoint Inspection                     ☒ Unannounced    ☐ ScheduledRTA San Francisco Municipal Transportation AgencyRTA Contact Melvyn E Henry (SFMTA)Date Field 2018-06-28Address One South Van Ness Avenue (MUNI)City San FranciscoState CAZip Code 94103 (SFMTA)Time Field 08:00:00Contacts E-mail Address Melvyn.Henry@sfmta.comPersonnel Present

| Name              | Title                     | E-mail                        |
|-------------------|---------------------------|-------------------------------|
| Jason Dixon       | CPUC Supervisor           | jason.dixon@cpuc.ca.gov       |
| Adam Freeman      | CPUC Mechanical Inspector | adam.freeman@cpuc.ca.gov      |
| Shane Roberson    | CPUC Signal Inspector     | david.roberson@cpuc.ca.gov    |
| Richard Fernandez | CPUC Operations Inspector | richard.fernandez@cpuc.ca.gov |
| John Madriaga     | CPUC Track Inspector      | john.madriaga@cpuc.ca.gov     |

CPUC Representative Jimmy XiaSubmitted By Michael Rose (Operating Inspector)Inspection Location

| Mile Post | CPUC or DOT Crossing # | Signal # | Switch # |
|-----------|------------------------|----------|----------|
|           |                        |          |          |

Station or Facility Name SFMTA Cable Car Hyde and Powell Line. PCC Beach and Jones

### Comments/Risk Management

Finding #1 and #2. CPUC Staff observed the operations of the Hyde & Beach St. turntable at Market St. CPUC Staff witnessed Employee 3327 hop over the safety rope and push the cable-car on the turntable to the outbound position performing SFMTA Cable-Car Duties. Employee 3327 performed this act while wearing ear buds in both ears, not wearing required SFMTA PPE, and in street clothes, not wearing required SFMTA uniform at 09:00. CPUC Staff called employee 3327 over to speak with him fearing it was someone from the general public and not knowing he was a SFMTA Employee. When CPUC Staff questioned Employee 3327 as to having in earbuds and not wearing proper SFMTA attire. Operator 3327's reply was, 'he was not on duty.'

Finding #3. CPUC Staff witnessed SFMTA Employee 1908 pull his cell phone from his backpack and use it sitting on the bench of the Cable-car. Employee 1908's backpack was located in the Cable-car Gripman operating cab and was already powered ON as he pulled it out of his backpack. CPUC Staff approached and informed Employee 1908 of SFMTA PED Policy and General Order 172. Employee 1908 then put his cell phone back in his backpack and left powered ON. CPUC Staff directed Employee 1908 that his cell phone must be powered off and stowed and cannot remain ON. Employee 1908 complied with 'Off and Stowed' at that point.

Finding #4. CPUC Staff conducted an inspection of PCC 1056 at Beach and Jones St. While speaking with Operator 1630 of PCC 1056, CPUC Staff discovered his cell phone was stowed and Powered ON. CPUC Staff informed Operator 1630 of SFMTA PED Policy and General Order 172 off and stowed.

This inspection report is a follow up to Inspection Report OP062018 and previous 7 PED violations in 1 yr. Citation Recommended.

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# **INSPECTION REPORTS**

## **# SC071818**

# California Public Utilities Commission

## Rail Transit Safety Branch

### Inspection/Citation Form

Type Of Inspection SignalJoint Inspection                     ☒ Unannounced    ☐ ScheduledRTA San Francisco Municipal Transportation AgencyRTA Contact Melvyn E Henry (SFMTA)Date Field 2018-07-18Address One South Van Ness Avenue (MUNI)City San Francisco State CA Zip Code 94103 (SFMTA)Time Field 13:00:00Contacts E-mail Address Melvyn.Henry@sfmta.comPersonnel Present

| Name           | Title                 | E-mail                     |
|----------------|-----------------------|----------------------------|
| Shane Roberson | CPUC Signal Inspector | david.roberson@cpuc.ca.gov |
|                |                       |                            |
|                |                       |                            |
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CPUC Representative Jimmy XiaSubmitted By Shane Roberson (Signal Inspector)Inspection Location

| Mile Post | CPUC or DOT Crossing # | Signal # | Switch # |
|-----------|------------------------|----------|----------|
|           |                        |          |          |

Station or Facility Name Embarcadaro

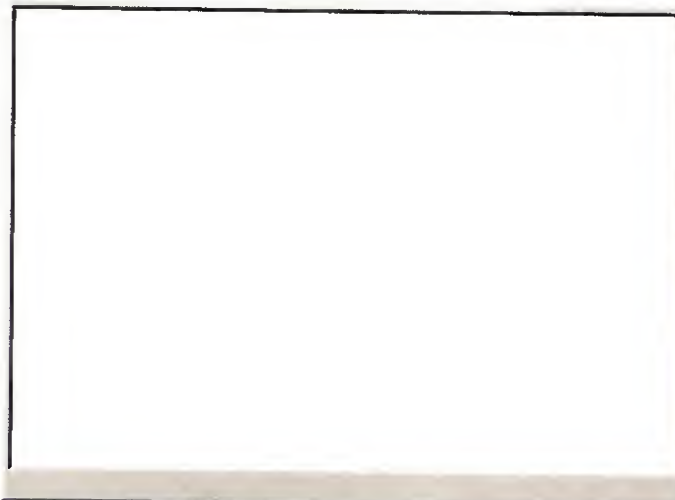


Comments/Risk Management

CPUC noted operator 3268 remove back pack from secured locker in car 1008 and secured the LRV when exiting for a break at turn around location on Jones st. Upon returning from break, it was noted the operator was on the phone. Before entering the LRV the operator stowed the phone back in the pack before turning off the phone. The operator entered the cab and stowed the back pack within reach under the operating seat and proceeded to pull forward and begin boarding process. GO 172 Section 3.1 (a), SFMTA Rule 2.15.3 and 2.15.4

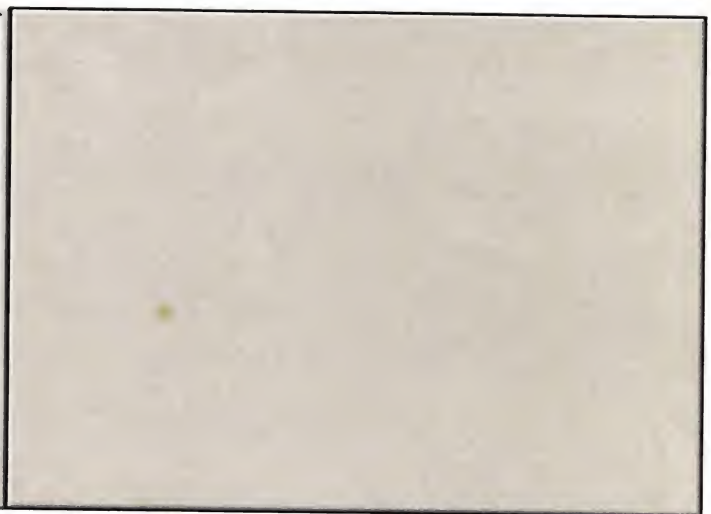
CPUC staff approached the operator to inquire about the phone not being properly stowed in the locker and turning the phone off. The operator denied access to the phone for verification it was off stating she was informed by a survivor that she is not to produce a phone when ask by CPUC. However, the operator did confirm the phone is still on. CPUC staff recommend the phone be turned off before continuing service and place it in the locker. The operator did as recommended.

CPUC staff then confronted operator 4356 in car 1050 after noting he was on his phone before entering the LRV and he had placed the powered on phone in a bag under the operator seat. When staff confronted the operator in regards to the phone being on and asked to see it, CPUC was informed again that he was instructed by a supervisor to not show his phone. CPUC asked him to turn it off and stow it in the locker and he refused and proceeded to operate the LRV with the bag under the operator seat and a powered on phone in it. GO 172 Section 3.1 (a), SFMTA Rule 2.15.3 and 2.15.4



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